



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग I—खण्ड 1
PART I—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

820
29/9

सं० 174]

नई दिल्ली, बुधवार, सितम्बर 14, 1989/भाद्र 23, 1911

No. 174] NEW DELHI, THURSDAY, SEPTEMBER 14, 1989/BHADRA 23, 1911

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रचा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

राज्य सभा सचिवालय

अधिसूचना

नई दिल्ली, 14 सितम्बर, 1989

स. आर.एस. 46/89-टी. :—भारत के संविधान की
दसवीं अनुसूची के पैरा 6 (1) के अधीन राज्य सभा के
सभापति का दिनांक 14 सितम्बर, 1989 का निम्नलिखित
निर्णय एतद्वारा अधिसूचित किया जाता है :—

“उत्तर प्रदेश राज्य में निर्वाचित राज्य सभा के
सदस्य, श्री सत्यपाल मलिक ने मुझे एक पत्र सम्बोधित
किया जो मुझे 17 जुलाई, 1989 को प्राप्त हुआ,
तथा जिसमें मुझे यह भूषणा दी गई थी कि वह
कांग्रेस (आई) के टिकट पर राज्य सभा के लिए
निर्वाचित हुए थे और यह भी कि वह जनता दल में
शामिल हो गये हैं और उसके सचिव के रूप में कार्य

कर रहे हैं। मैंने उपर्युक्त पत्र कांग्रेस (आई) विधायक
दल के नेता के पास 20 जुलाई, 1989 को सूचनार्थ
भेजा।

राज्य सभा के सदस्य, श्री पवन कुमार बंसल ने संविधान
की दसवीं अनुसूची के पैरा 6 तथा राज्य सभा के सदस्य
(दल-बदल के आधार पर निरहता) नियम 1985 के
नियम 6 के अधीन 27 जुलाई, 1989 को मेरे समक्ष एक
याचिका प्रस्तुत की, जिसमें यह प्रार्थना की गयी थी कि
राज्य सभा के सभापति यह निर्णय करने की कृपा करें कि
राज्य सभा के सदस्य, श्री सत्य पाल मलिक भारत के
संविधान की दसवीं अनुसूची के अधीन निरहित हो गये हैं
तथा राज्य सभा में उनके स्थान को भी रिक्त घोषित करें।

याचिका तथा उसके उपाबंध की प्रतियां श्री सत्य पाल
मलिक तथा संसद में कांग्रेस (आई) पार्टी के नेता को
उपर्युक्त नियमों के नियम 7 (3) के अधीन 31 जुलाई,
1989 को इस अनुरोध के साथ प्रेषित की गई कि वे ज़ूम

Copies of the petition and the annexure thereto were forwarded to Shri Satyal Pal Malik and the Leader of Congress (I) Party in Parliament, under rule 7(3) of the said Rules, on July 31, 1989, with a request to them to forward their comments on the petition to me within seven days from the receipt of the same.

I received a letter dated August 5, 1989, from Shri Satya Pal Malik by way of his comments contending that he had not given up the membership of the Indian National Congress voluntarily.

Shri M.M. Jacob, Minister of State of the Ministry of Water Resources and Minister of State in the Ministry of Parliamentary Affairs, who had been authorised by the Leader of Congress(I) Legislature Party for communicating with the Chairman for purposes of these Rules, in his comments dated August 2, 1989, stated that he entirely agreed with the contention of the petitioner.

After considering the comments of Shri Satya Pal Malik and Shri M.M. Jacob in relation to the petition, I was satisfied, having regard to the nature and circumstances of the case that it was necessary to refer the petition to the Committee of Privileges of Rajya Sabha, and I referred the petition to the Committee of Privileges on August 8, 1989, for making a preliminary inquiry and submitting a report to me.

The Committee of Privileges submitted its report to me on September 1, 1989.

On receipt of this report I forwarded a copy thereof to Shri Satya Pal Malik and gave him an opportunity to appear before me on September 13, 1989, to represent his case and to be heard in person. Shri Satya Pal Malik, accordingly, appeared before me and was heard.

Taking into account the letter of Shri Satya Pal Malik received by me on July 17, 1989, his comments on the petition, the Report of the Committee of Privileges and his oral submissions before me on September 13, 1989, and in accordance with the provisions of article 102(2) read with the Tenth Schedule to the Constitution of India, I hereby decide and declare by this order as follows:—

ORDER

In exercise of the powers conferred upon me, under article 102(2) read with paragraph 6 of the Tenth Schedule to the Constitution of India, I, Shanker Dayal Sharma, Chairman, Rajya Sabha, hereby decide that Shri Satya Pal Malik, an elected member of the Rajya Sabha from the State of Uttar Pradesh, by voluntarily giving up his membership of Congress (I) — his original political party, has become subject to disqualification for being a member of the Rajya Sabha in terms of paragraph 2 (1) (a) of the Tenth Schedule to the Constitution of India.

Accordingly, Shri Satya Pal Malik has ceased to be a member of the Rajya Sabha with immediate effect.

Sd/-

SHANKER DAYAL SHARMA, Chairman,
New Delhi;
September 14, 1989.

Rajya Sabha."

Sd/-

SMT. K.K. CHOPRA, Addl. Secy.

